

REMARKS

Claims 15 through 27 are under examination in this application. Claims 15 through 27 were rejected. Claim 15 has been amended herein. No new matter has been added by way of this amendment.

Rejection of Claims 15 through 27 under 35 U.S.C. § 112

Claims 15 through 27 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Specifically, the Office states that the specification fails to provide support for the phrase “inhibiting PMN infiltration.”

This rejection is overcome, at least, for the following reasons.

The claim has been amended herein to recite that the invention comprises a method of “inhibiting PMN migration across columnar epithelia.” Explicit support for this amendment is found throughout the as-filed application at, for example, paragraphs [003], [006]-[0009], [0012]-[0022], and EXAMPLE 1 at [0075]-[0124], to name a few. Thus, Applicants submit that the specification includes a written description of inhibiting PMN migration across columnar epithelia. The rejection is therefore overcome and should be withdrawn. Applicants respectfully request same.

In addition, the Office states that the claims, in their broadest reasonable interpretation, read on a pharmaceutical composition comprising any analog of natural lipoxin A4. Thus, the Office asserts that “[W]hile the specification describes a few species of the instantly claimed active compounds, it does not describe a sufficient number of analogs as to convey possession of the entire general encompassed by the instant claims.

This rejection is overcome, at least, for the following reasons.

In its rejection, the Office states “[T]o provide adequate written description and evidence of possession of the claimed genus, the specification must provide sufficient distinguishing identifying characteristics of the genus. The factors to be considered include (1) disclosure of complete or partial structure, (2) physical and/or chemical properties, (3) functional characteristics, (4) structure/function correlation or any combination thereof.”

Applicants respectfully submit that examples of each of these factors are explicitly recited in the specification. Specifically, taken in turn, the Office is referred to: (1) the structures enumerated in paragraphs [0047] and [0048] of the published application and as-filed claims 16-26. In addition, the specification provides a discussion lipoxin analogs and salient characteristics thereof in paragraphs [0039]-[0046]; (2) with regard to physical and/or chemical properties, the Office is again directed to paragraphs [0039]-[0046] describing particular physical and chemical properties as well as EXAMPLE 3 spanning paragraphs [0153]-[183], which provides methods for synthesizing some lipoxin compounds; (3) functional characteristics of lipoxins are described throughout the specification and, in particular, the effect that lipoxins have in inhibiting PMN migration across epithelia. In addition, methods of using lipoxins for treatment are provided starting, at least, at paragraph [0059]. In addition, the specification provides methods for screening for lipoxins at, for example, paragraph [0032]-[0038]; and (4) with regard to structure/function correlations, the specification discusses such factors throughout the specification as well. Specifically, the Office is directed to the specification at, for example, the summary beginning at paragraph [0006], the detailed description beginning at [0010], the EXAMPLES, etc. In particular, the Office's attention is directed to the section beginning at paragraph [0039], which describes the structure/function correlation of lipoxin compounds. Further, with specific regard to the structure and function of lipoxins on columnar epithelia, the Office's attention is directed to EXAMPLE 4 beginning at paragraph [0184]. Thus, Applicants submit that all the factors required by the Office to illustrate possession of the genus are, in fact, described in the written description detail. Therefore, the rejection is overcome and should be withdrawn. Applicants respectfully request same.

CONCLUSION

In light of the above, it is respectfully submitted that the present application is in condition for allowance. Reconsideration of the present application and a favorable response are respectfully requested. If a telephone conference would be helpful in resolving any remaining issues, please contact the undersigned at (612) 492-6864.

No fees are deemed necessary. However, the Commissioner is hereby authorized to charge any deficiencies or credit any overpayments to Deposit Account No. 04-1420.

Respectfully submitted,

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